IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 25TH OCTOBER 2006 / 3RD KARTHIKA 1928

Bail Appl..No. 6149 of 2006()

CRIME NO.80/2006 OF KORATTY POLICE STATION.

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PETITIONER/4TH ACCUSED

SHEREEF, AGED 27 YEARS,
S/O. MUHAMMEDKUTTY, KINARAMAKKAL HOUSE,
PARUTHIPRA, KUMARANELLUR VILLAGE,
THALAPPILLY TALUK, THRISSUR DISTRICT.

BY ADV. SRI.M.B.PRAJITH

RESPONDENTS: COMPLAINANT

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1. THE STATION HOUSE OFFICER,
KORATTY POLICE STATION, (CR.NO.80/2006),
KORATTY, THRISSUR.

2. STATE - REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M. JAMES, J.

Bail Application No. 6149 of 2006

Dated this the 25th October, 2006.

O R D E R

Petitioner is the 4th accused in Crime No.80/2006 of Koratty Police Station, for the offence punishable under Section 379 IPC, read with Section 34 IPC, as the accused, six in number, have committed theft of the sandal wood tree, that stood in front of the Primary Health Centre of the locality.

2. The prosecution submits that accused 1 to 3 had cut and removed the same, and accused 4 to 6 had purchased it. Prosecution also submits that the sandal wood has not so far been recovered. Yet another submission of the Prosecutor is that there are other cases registered against the accused of the similar nature. However, it is clarified that the petitioner, 4th accused, is not alleged to have committed any other offence of the similar nature.

3. After hearing both sides, I dispose of the application, directing the petitioner to surrender before the Investigating Officer of Koratty Police Station, who is investigating the Crime No.80/2006 of that police station, on 31.10.2006, between 9.30 and 10 a.m.

4. The Investigating Officer shall interrogate the petitioner, and produce him before the court below, as per the law.

5. The learned Magistrate shall hear both sides, and if no custody application is preferred by the prosecution, the petitioner shall be released on bail, by imposing such conditions, as are deemed necessary.

J.M. JAMES,
JUDGE

nj.